

Notice of Allowability

Application No.

09/206,782

Examiner

Cristina Owen Sherr

Applicant(s)

PEEVEY, MICHAEL R.

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 09/30/2005.
2. ☒ The allowed claim(s) is/are 1-3,6,8 and 34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Charles J. Lee
PRIMARY EXAMINER

Art Unit: 3621

1. This communication is in response to the applicant's amendment filed September 30, 2005. Claims 4-5, 7, 9-33, and 35-39 have been canceled. Claims 1, and 34 have been amended. Claims 1-3, 6, 8, and 34 are currently pending in this case.

Reasons for Allowance

2. The following is an Examiner's statement of reasons for the indication of allowable subject matter:

The closest prior art of record shows:

(1) utility monitoring systems (Kincheloe et al, US Patent 4,120,031);

(2) methods and systems for computerizing bill consolidating, billing and payment authorization, computerized utility bill consolidating, utility billing access and utility provider consolidated billing systems (Crooks et al, US Patent 5,943,656A);

(3) a system for billing individual units of a multiunit building for water use and for water related energy use (Saar, US Patent 6,161,100A);

(4) a system and method for on-line monitoring and billing of power consumption (Quadlogic Controls Corporation, WO 01/065823 A1);

(5) Managing Service Usage Data for Strategic Advantage, A Service Provider's Guide, Hewlett-Packard, Internet Infrastructure Operation, April 27, 1999;

(6) Budike, Jr. (US 6,122,603) discloses a multi-utility energy control system with dashboard;

(7) Collins et al (US 6,553,418B1) disclose an energy information and control system;

(8) Uggerud et al (US 6,529,839B1) discloses an energy coordination system;

(9) Pitchford et al (US 6,327,541B1) discloses an electronic energy management system;

(10) Sneeringer (US 6,618,709) discloses computer assisted and/or implemented process and architecture for web-based monitoring of energy related usage, and client accessibility therefor.

3. Applicant's set of claims consists of claims 1-3, 6, 8, and 34.

4. Independent claim 1 is directed at a method for providing consumption data to a utility consumer. This claim identifies the uniquely distinct feature of wherein the data is electronically transmitted in real time from a utility meter to a data processing system. Because the closest prior art does not appear to teach or suggest a method wherein utility data are transmitted in real time, independent claim 1, and its dependant claims 2-3, 6, and 8 are deemed allowable.

5. Independent claim 34 is directed at a system for providing energy consumption data for a facility affiliated with an energy consumer. This claim identifies the uniquely distinct feature of a receiving means configured to receive metering data in real time from a meter located at the facility via a digital network. Because the closest prior art does not appear to teach or suggest a system wherein utility data are received in real time, independent claim 34 is deemed allowable.

6. Any comment considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina Owen Sherr whose telephone number is 571-272-6711. The examiner can normally be reached on 8:30-5:00 Monday through Friday.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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